

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>v.</b>	)	<b>Criminal Action No. 1:20-cr-143</b>
	)	
<b>ZACKARY ELLIS SANDERS,</b>	)	
<b>Defendant.</b>	)	

**ORDER**

This matter comes before the Court on an evidentiary request from defendant. During trial, the government introduced an iPhone into evidence as Government's Exhibit 403. After the close of trial and after the jury had been instructed, defendant requested that the jurors be provided with an iPhone charging cable so that they could power the iPhone and explore its contents. This request is untimely and inappropriate, and is accordingly denied.

Defendant did not attempt to introduce an iPhone charging cable into evidence at any point during the trial. Defendant did not even raise the issue of a charging cable until after closing arguments had occurred and the jury had been instructed. Defendant's request, therefore, comes well after the time to enter exhibits into evidence. The request is therefore untimely.

Even setting aside timeliness, defendant's request is inappropriate. The government offered this iPhone into evidence, but did not offer into evidence the entire contents of the iPhone. It is unknown whether the contents of the iPhone contain irrelevant information that would be inappropriate for the jury to review. It is not proper to encourage jurors to explore the entire contents of this iPhone by providing them with a charging cable during their deliberations.

In addition, defendant offered testimony at trial that the iPhone is locked using facial recognition software and requires defendant's face to unlock it. It is thus unclear what benefit a charger would provide if the phone would remain locked even if powered on. In any event,

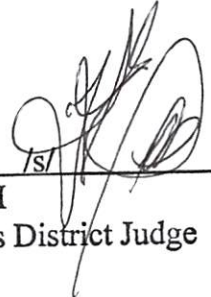
defendant had ample opportunity to offer into evidence any specific content of the iPhone that was relevant and admissible but did not do so. Defendant's request to provide the jury with an iPhone charging cable is therefore untimely and inappropriate, and must be denied.

Accordingly,

It is hereby **ORDERED** that defendant's request to send an iPhone charger to the jury for use in their deliberations is **DENIED**.

The Clerk is directed to send a copy of this Order to all counsel of record.

Alexandria, Virginia  
October 27, 2021

  
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T. S. Ellis, III  
United States District Judge